

**Permitting & Assistance Branch Staff Report**  
Modified Solid Waste Facilities Permit for the  
Walker Landfill  
SWIS No. 26-AA-0001  
November 4, 2015

**Background Information, Analysis, and Findings:**

This report was developed in response to the Mono County Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed modified Solid Waste Facilities Permit (SWFP) for the Walker Landfill SWIS No. 26-AA-0001, located in Coleville and owned and operated by the Mono Department of Public Works. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on July 17, 2015. A new proposed permit was received on August 27, 2015. Pursuant to Title 27, California Code of Regulations (27 CCR), Section 21685 (c) 18425, CalRecycle has 60 calendar days from the date the proposed permit is received to either concur or object to the issuance of the SWFP by the LEA. CalRecycle was to act by October 26, 2015. Due to a delay in obtaining evidence of adequate Financial Assurances, the operator submitted a letter dated October 20, 2015, to the LEA which allowed CalRecycle an extension to the 60 day time limit, until December 16, 2015 to take action. The LEA agreed to this request in a letter dated October 20, 2015.

If no action is taken by October 26, 2015 the Department will be deemed to have concurred with the issuance of the proposed modified SWFP.

**Proposed Changes**

The following changes to the first page of the permit are being proposed:

	Current Permit (2007)	Proposed Permit
Permitted Maximum Tonnage	500 Tons per Year (See LEA Condition #17d)	500 Tons per Year, 80 Tons per Day
Permitted Vehicles per Day	80	25
Hours of Operation	7:00 am – 6:30 pm Monday, Thursday, Saturday Holidays: New Years Day, July 4 <sup>th</sup> , Thanksgiving, Christmas	7:00 am – 6:30 pm Monday, Wednesday, Saturday Holidays: New Years Day, July 4 <sup>th</sup> , Thanksgiving, Christmas  Ancillary Operations/Facility Operating Hours: as described in JTD

Other Changes include:

1. Updated supporting documents and references.
2. Updated enforceable language and duplicative language deleted

### **Key Issues**

The proposed permit will allow for the following:

Corrects a typographic error in the number of vehicles per day so the allowed vehicle count is now consistent with CEQA. Changes one of the operating days from Thursday to Wednesday.

### **Findings:**

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated July 17, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on July 30, 2015. The LEA provided a copy to the Department on July 30, 2015. The changes identified in the review are reflected in this permit revision.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on August 27, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on July 17, 2015 provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Product & Compliance Unit found the facility is identified in the <i>Countywide Siting Element</i> and with the Countywide Integrated Waste Management Plan, as described in the memorandum dated July 28, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(5) Preliminary or Final Closure/ Postclosure	Engineering Support Branch staff in the Closure and Facility Engineering Unit found the Preliminary Closure/Postclosure Maintenance Plan is	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
Maintenance Plans Consistency with State Minimum Standards	consistent with State Minimum Standards as described in their memorandum dated June 3, 2015.	
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	The Engineering Support Branch staff in the Closure and Facility Engineering Unit found the written estimate to cover the cost of known or reasonably foreseeable corrective action activities is approved as described in their memorandum dated August 28, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(7)(A) Financial Assurances Documentation Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances documentation for closure, postclosure maintenance, and corrective action in compliance as described in their memorandum dated November 4, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(7)(B) Operating Liability Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated November 4, 2015.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on April 29, 2015. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on July 17, 2015 that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	The LEA posted notice as required. No written comments were received by LEA or Department staff.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed modified SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

**Compliance History:**

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on April 29, 2015, and found that the facility in violation of Title 27

CCR 21640 - Review of Permits which was corrected when the operator submitted an acceptable application package.

Below are the details of the landfill's compliance history based on the LEA's monthly inspection reports during the last five years:

2015

January through June - PRC 44014(b) - Permit Terms & Conditions

March - 27 CCR 20515 - MSWLF Unit Records

June, July - 27 CCR 20820 - Drainage and Erosion Control

2014

January through December - PRC §44014(b) Permit Terms and Conditions

2013

April through December - PRC 44014(b) - Permit Terms and Conditions

September and October - 27 CCR 20680 - Daily Cover

September through December - 27 CCR 21600 - Report of Disposal Site Information

October through December - 27 CCR §21780 - Closure Plan

2012

January through April - 27 CCR 20921 - LFG Monitoring & Control

May through July - 27 CCR 20510 - Disposal Site Records

2011

January – T27 CCR 20680 - Daily Cover

January, July, and November - 27 CCR 20515 - MSWLF Records

May - 27 CCR 21600 - Report of Disposal Site Information

June - July - 27 CCR 20700 - Intermediate Cover

All violations were corrected to the satisfaction of the LEA.

**Environmental Analysis:**

Under California Environmental Quality Act (CEQA), the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must make a determination as to whether this modified SWFP is categorically or statutorily exempt or additional CEQA analysis is necessary.

The changes that will be authorized by the issuance of the proposed permit include:  
Correct a typo regarding allowed vehicles per day and reflect actual days of operation.  
These changes are supported by the following environmental document.

The Mono County Department of Public Works Solid Waste Division determined that, pursuant to 14 CCR, Section 15301, this permit application would fall under Categorical Exemption, Class 1 – Existing Facilities. This Categorical Exemption allows for the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing private facilities involving negligible or no expansion of use beyond that existing

at the time of the lead agency's initial approval of the project. A Notice of Exemption was filed with the Mono County Clerk on February 24, 2014.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, file its own Notice of Exemption, Class I Existing Facilities, under Section 15301 of the CEQA Guidelines as this will be a continued operation of the facility with no expansion of use beyond that existing at the time of the lead agency's determination. Overall total weekly hours of operation will remain the same and permitted traffic will actually be reduced. Further restrictions are placed on daily tonnage.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed modified SWFP and all of its components and supporting documentation, this staff report, the Notice of Exemption, and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed modified SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

**Public Comments:**

The LEA posted notice of the project document availability consistent with the SWFP requirements. Staff have not received any correspondence regarding the modification and provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on August 18, September 15, and October 20, 2015.